

REMARKS

Applicant thanks the Examiner for a thorough examination of the present application, but respectfully requests reconsideration of the present application in view of the reasons that follow. Claims 1-20 are pending in this application.

I. Rejection of Independent Claims 1, 5, 15, and 19 under 35 U.S.C. § 103(a)

In the outstanding Office Action of December 11, 2008, claims 1, 3, 5, 7, 14, 15, 17 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application No. 2004/0221127 to Ang ("Ang") in view of U.S. Patent Application No. 2003/0177335 to Luick ("Luick") in view of U.S. Patent No. 4,951,278 to Biber et al. ("Biber") and further in view of U.S. Patent No. 7,395,283 to Atzmony et al. ("Atzmony").¹ In addition, claims 2, 4, 6, and 8-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ang in view of Luick in view of Atzmony and further in view of U.S. Patent No. 5,497,480 to Hayes ("Hayes"). Applicant respectfully traverses this rejection for at least the reasons set forth below.

a. Atzmony is not Prior Art

Applicant respectfully submits that the above-mentioned rejection based on Atzmony is improper because Atzmony is not prior art to the present application. The effective filing date of Atzmony is November 10, 2003 (based on the applications U.S. filing date). However, the present application has a foreign priority date of February 21, 2003, based on the Japanese Application No. 2003-044198. Since February 21, 2003 is prior to November 10, 2003, Applicant respectfully submits that the Atzmony is not prior art to the present application. Applicant is filing herewith a certified English translation of this document to perfect this date.

Accordingly, since Atzmony is not prior art to the claims under rejection, the rejection of these claims based in part on the teachings of Atzmony have been overcome.

¹ Applicant notes that the statement of the rejection includes the Biber et al. reference. The rejection, however, does not mention teachings from the Biber et al. reference. As such, Applicant is assuming that this was a typographical error and the Biber et al. reference was not intended to be part of the rejection. Clarification is requested.

II. Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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